



# STATEMENT OF CHARGES

FC No.: 511

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### I. Arrest Booking System (ABS)

- A. The Arrest Booking System (ABS) is an on-line identification and booking system where law enforcement officers complete computer generated Statements of Charges and Probable Cause for criminal arrests. The Maryland Department of Public Safety and Correctional Services is the agency responsible for the statewide installation and operation of the ABS.
- B. Instructions for using the ABS will be maintained at the Central Processing Unit (CPU) and assistance can be provided by the CPU personnel. In the event of planned outages for ABS maintenance or system failure, officers will be required to complete Statements of Charges/Probable Cause following the guidelines of the directive.

### II. Statement of Charges (DC/CR2)

- A. When an officer makes a physical arrest without an arrest warrant, the DC/CR 2, "Statement of Charges," (SOC) will be used in conjunction with the DC/CR 4, "Statement of Probable Cause" (SPC). The SOC will contain the wording of the specific statute the suspect is charged with. If more than two charges are made, the DC/CR 2A, "Statement of Charges Continuation," will be used. The SPC will contain the probable cause and outline the circumstances of the arrest. The narrative must contain all the information that is contained in the statute. If more space is

required, the DC/CR 4A, "Statement of Probable Cause Continuation," will be used. All forms will be clearly typed or neatly printed.

- B. Officers will complete the SOC according to the following guidelines:

1. Court address - "Montgomery County, MD"
2. Defendant's name - Last name, first
3. MAIF name - Name used during prior arrests
4. Primary charge - Charge of highest classification
5. Date/time - Date/time officer is completing the SOC
6. Related cases (CR, tracking, or citation number) - Examples:
  - a. Defendant #1 is arrested for theft; the co-defendant #2 is also charged with theft. In the related cases block of defendant #1, place tracking number of defendant #2. In the related cases block of defendant #2, place the tracking number of defendant #1.
  - b. Used for recording a traffic citation number when the traffic violation is related to the arrest.
7. Complainant blocks
  - a. Complainant's name - Last name, first
  - b. Title - rank for a police officer, or Mr., Mrs., Jr., etc., for a citizen
  - c. Agency - MCP
  - d. Sub-agency - R-15, W-15, S-15, B-15, G-15, HQ-15
  - e. ID Number - police officer's ID number
  - f. Complete remainder of section, not including the home phone number.
8. Defendant blocks
  - a. Name of defendant - Last name, first
  - b. Title - Mr., Mrs., Jr., etc.
  - c. I.D. Number - Montgomery County ID number (obtain from **Records Division**)

- C. If the charge is a result of domestic violence or a hate crime, check the appropriate block.

- D. When the officer has completed the SOC and SPC, the officer will keep the appropriate copy

and turn all other copies over to the CPU personnel.

**E. Statements of Charges Lacking Probable Cause**

1. *SOCs that are determined to lack probable cause or are not deemed acceptable by the on-duty district court commissioner at CPU prevent the assignment of bond on those charges. These SOC will be forwarded to the district court commissioner supervisor for additional review.*
2. *SOCs not passing that review will be initially sent to the Staff Inspections Section supervisor.*
3. *The SOC will be returned to the originating officer via the chain of command.*
4. *The originating officer's supervisor will review the SOC with the officer and suggestions for improvements will be discussed.*
5. *A copy of the SOC will be forwarded to the Training and Education Division. Officer, defendant, and document identifiers (to include names, identification numbers, signatures, tracking and booking numbers) will be obliterated from the SOC prior to transfer to the Training and Education Division. The Training and Education Division will review the SOC and incorporate identified problems into appropriate training programs.*

**III. Application for Statement of Charges (DC/CR1)**

- A. The Application for Statement of Charges (DC/CR1) shall be utilized by officers applying for an arrest warrant or summons. It should be clearly typed or neatly printed.
- B. If a computer generated DC/CR1 or 1A is used, the format must have been approved by the Coordinator of Commissioner Activities in Annapolis, MD. If the format has not been approved, the DC/CR1 or 1A will not be accepted.
- C. Officers will complete the Application for Statement of Charges according to the following guidelines:
  1. Insert the word Montgomery after "District Court of Maryland for" on the top line.
  2. Include the CR number on the application.
  3. The applying officer must complete all information requested on the application to

include the victim's and the defendant's full name.

4. When filing an Application for Statement of Charges for all misdemeanor/felony cases tried in the District Court, officers must indicate to the commissioner whether they are requesting that the defendant be returned if arrested outside Montgomery County. A request for the defendant's return should only be made if it would substantially enhance the investigation.
5. When requesting a warrant, supporting information must be documented as to why a warrant should be issued (i.e., number of FTAs).

D. If additional room is needed for probable cause, use the continuation form DC/CR 4A.

E. Officers will complete an MCP 72, "Warrant/DCS Control," and attach it to the Application for Statement of Charges along with a copy of the event/supplemental report.

F. Officers will remain present while a commissioner reviews the Application for Statement of Charges in the event more information is required.

**G. Distribution**

All copies of the application will be submitted to the commissioner. When a warrant is issued, the commissioner will forward all but the State's Attorney's copy of the application with the warrant to the Warrant Control Unit, unless the officer requests to personally serve the warrant (refer to FC 534, "Montgomery County Computer Warrant Index System"). When a District Court Summons (DCS) is issued, the commissioner sends the DCS directly to District Court.

H. Submit an MCP 107, "Witness Information Form," with the supplement report when obtaining a warrant or DCS. The MCP 107 may be updated when the warrant or DCS is served, if necessary. The District Court case number will be used as the tracking number on the MCP 107 and MCP 107A, "Evidence Information Form."

**IV. Commissioner's Issuance of Charging Documents**

- A. A charging document prepared by a commissioner after application by an officer, will be distributed as follows:
1. For a warrant:
    - a. Officer - Original (to be returned to the commissioner after service), defendant copy, and law enforcement copy
    - b. Forwarded to the court - State's Attorney's copy and applicant copy
  2. For a DCS:
    - a. Officer - Applicant copy
    - b. All other copies forwarded to the court

- B. Once the charging document has been completed by the commissioner, the commissioner will issue either a Criminal Summons on Charging Document or Arrest Warrant on Charging Document.

**V. Defendants with Multiple Charges**

When multiple charges are made against a defendant arising out of the same set of circumstances (companion cases), there will be one tracking number for all charges (i.e., defendant is charged with first degree rape, first degree sex offense and second degree sex offense with the same tracking number for all three charges).

**VI. Traffic Charges**

- A. If an individual is arrested on traffic charges and taken before a commissioner for an initial appearance, the officer must present an SPC along with the traffic citation.
- B. If an on-scene criminal arrest is made and there are accompanying traffic charges, the SPC must include both the criminal and traffic charges. No traffic charges will be made on the SOC form.
- C. If applications for both a criminal warrant and a traffic warrant are being made, one Application for Statement of Charges may be used for the traffic charges and for the criminal charges. The narrative must contain both the probable cause for the criminal charges as well as for the traffic charges.

**VII. Fugitive Warrants**

- A. When a defendant incarcerated at the Montgomery County Detention Center is to be charged as a Fugitive from Justice, and all local charges have been cleared, the defendant will be processed/charged by CPU personnel.
- B. When it is determined that an individual is a Fugitive from Justice and the individual is not currently incarcerated, the following documentation will be submitted by the arresting officer:
1. DC/CR 30, "Charge Against Fugitive"
  2. A copy of the hit confirmation
  3. A copy of the teletype confirming extradition
  4. A copy of the event report
- C. If an individual is arrested based on a criminal warrant issued by another Maryland agency, the defendant will be processed but no SOC is necessary. Refer to FC 521, "Arrest Procedures for Fugitives."

**VIII. Proponent Unit: *Records Division***

**IX. Cancellation**

***This directive cancels Function Code 511, effective date 08-11-99.***



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